

MANSFIELD TOWNSHIP COMMITTEE MEETING

April 10, 2013

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star-Gazette and the Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Salute to the flag was done by all.

APPROVAL OF THE MINUTES:

Mr. Watters made a motion to approve the minutes from the regular meeting held on March 27, 2013, which was seconded by Mrs. Kocher.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

APPROVAL OF THE BILL LIST:

Mr. Watters asked about the bill for Criterium DiSessa and if it was moved to Escrow.

Mr. Pandos stated that there was never an escrow set up for the item that was being billed.

Mr. Watters asked about the bill for the litigation was moved to Recreation.

Mr. Pandos stated that this bill has been sent to Recreation for signature.

Mr. Watters made a motion to approve the bill list, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

CFO REPORT:

Mr. Pandos stated that the bills from Suburban Propane and the legal council has advised that it is over the six years and we are not liable for this money.

Mr. Pandos stated that there was never a change order issued and there was \$22,000 that was spent and the legal councils opinion that we are not responsible for the bills for Barry Isett and Associates.

Mr. Pandos explained to the Township Committee that the refrigerator in the lunchroom kitchen is not functioning properly and requested that the Township Committee authorize the purchase of a new refrigerator.

Mayor Tomaszewski made a motion to purchase a new refrigerator for the court lunchroom, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

CLERKS REPORT:

Mr. Clancy made a motion to approve the Raffle License for Tri County Fire Company which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

ENGINEERS REPORT:

Mr. DiSessa reported that he had met with HMUA in reference to the Diamond Hill Project and the roads. The HMUA approved the agreement to provide the township with \$100,000 to repair the roads. There will be a resolution that they pass and then a formal contract will be forwarded for the township to approve.

Mr. Smith asked if this would include curbing and milling and top.

Mr. DiSessa stated that it would.

Mr. DiSessa stated that he had met with NJDOT about the bridge project and he went over the township's concerns about the project and the township roads.

Mr. DiSessa also stated that he had asked about the local aid grants from DOT and she was not able to tell him when they would be available.

Mr. Watters asked if there was anything new with the grant for the generator.

Mr. DiSessa stated that all of the paperwork was filed.

Mr. DiSessa stated that there is a start-up meeting with the Honeywell people for the maintenance of the HVAC/Heating system in the municipal building.

Executive Session:

Mayor Tomaszewski made a motion to enter into Executive Session at 7:45, which was seconded by Mr. Watters.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None
Absent: None
Abstain: None

Return from Executive Session at 8:38pm.

Roll Call: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Mr. Vex stated that there was correspondence that the Land Use Board asked the Township Committee to appeal the decision that was made on the Meadows of Mansfield case.

Mr. Watters made a motion to go forward with the appeal for the Meadows at Mansfield judgement, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

Mayor Tomaszewski explained the bid for the tractor.

Mr. Vex explained the contract that will be provided to the company for the tractor.

Mr. Watters made a motion to have the attorney prepare the contract for the Tractor with the Side Dump Flail Mower and present the contract to Power Place Inc with a bid in the amount of \$68,025.00, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

Mr. Vex explained the bid for the lawn mowing bid.

Mr. Clancy made a motion to have the attorney prepare the contract for the lawn mowing and trimming and present the contract to Total Lawn Care Landscape Services, LLC with a bid in amount of \$44,225 for the season with a per cut price of \$1,525.00, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

Mr. Vex explained the request from one of the fire companies for the township to pay for the repairs on an existing pumper.

Mr. Clancy made a motion to approve the Township assisting Tri County Fire with the repairs to the fire company truck, which was seconded by Mrs. Kocher.

Ayes: Mr. Clancy

Nays: Mayor Tomaszewski, Mr. Smith, Mr. Watters
Absent: None
Abstain: Mrs. Kocher

PUBLIC PORTION:

Carol Borden, 7 Cheerio Lane, spoke to the township committee in reference to Route 57 Auto Salvage. Mrs. Borden asked why there is a rack at Route 57 Auto when there is no allowance for stacking. Mrs. Borden asked why Mr. DiSessa and Mr. Vex went against what Judge Palmer had ruled from the ordinance when Route 57 went to court.

Carol Thompson, asked about the tarps and the zoning classification and asked if this will be addressed tonight with Route 57 Auto Sales.

Mr. Vex explained that the fact that there are two different business names.

There was discussion of the two business names.

HEARING FOR ROUTE 57 Auto Salvage:

Mr. Vex explained that there were complaints to the Township Committee by neighbors.

Mr. Toscano stated that the requests from Mr. DiSessa are not what was agreed upon.

Mr. DiSessa stated that he disagrees that the items that were supposed to be removed have been.

Mr. Vex stated that the stacking is done and the debris have been removed and the loading and unloading will take place with the fence.

Mr. Toscano stated that the running vehicles will be dropped in the front lot.

Mr. Vex stated that the sign needed to be fixed and the driveway and parking lot had been discussed.

Mr. Vex asked if the parking lot would be regraded.

Mr. Toscano stated that as soon as the fence is completed the parking lot will be regraded and either fixed with millings or stone.

Mr. Vex stated that the ingress and egress needs to be addressed and there can be employees parking in one row.

Mr. Vex asked if the prior owner sold cars on the lot.

Mr. Erb stated that the state law requires a salvage yard to have a used car license. Mr. Erb stated that in 1986 he had the state inspector and received the used car dealer's license.

Mr. Erb stated that in the beginning he sold a lot of cars before 2005 he was selling 350 to 375 vehicle per year whether running or not running.

Mr. Erb stated that towards the end he was selling 180 cars less.

Mr. Vex asked if Mr. Erb also sold running cars.

Mr. Erb stated that they sold used cars and that himself and his wife would put plates on the cars and drive them and park them in the front of the fence for sale.

Mr. Erb asked about the reference to stacking and why are we including parts when typically this refers to cars.

Mr. Toscano stated that fence that will be installed will be 9' and there will be a 1' gap between the ground and the bottom of the fence.

Mr. Vex asked when the fence will be up and when will the grading be done.

Mr. Toscano stated that the contractor stated that it would take 2 weeks to order the fence.

Mr. Toscano stated that he did not believe that this will be completed by May 1.

Mr. Vex stated that the next meeting in May is the eighth and the work should be completed by then.

Mr. Vex stated that the judge ruled that the cars shall be in the fence from dusk to dawn.

Mr. DiSessa stated that the hours that were listed in the minutes from the last time they were before the township committee.

Mr. Vex asked Mr. Erb what his hours of operation were.

Mr. Erb stated that the hours of operation were 8-5 and there were times that he would come in or leave after hours to load or unload cars that were picked up.

Mr. DiSessa stated that there were hours that were listed for the cars to be behind the fence.

Mr. Vex stated that the cars need to be behind the fence

Mr. Toscano stated that when the license was issued the branch Route 57 Auto Salvage.

Mr. Erb stated that every vehicle that comes into a salvage yard you have to compare the amount coming in to the amount going out.

Mr. Toscano stated that the crushed cars are being loaded and unloaded behind the fence.

Mr. Vex stated that the fence needs to be installed and the driveway needs to be regraded and the cars need to be put behind the fence.

Mr. DiSessa stated that the parking needs to be straight across against the fence.

Mr. DiSessa stated that there can be no trucks parked outside the fence for advertisement.

RESOLUTION:

**RESOLUTION # 2013-56
MANSFIELD TOWNSHIP POLICE DEPARTMENT
2013 SALARIES**

WHEREAS, there is an agreement in place between the Township of Mansfield, Warren County, New Jersey and the Fraternal Order of Police Lodge # 157 on behalf of the Township of Mansfield Police which sets forth the per annum salaries of Patrolmen;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Mansfield, Warren County, New Jersey, that the per annum salaries for the following Patrolmen shall be as follows:

		<u>From</u>	<u>To</u>		<u>From</u>	<u>To</u>
Ptl. Christian Gilbert	\$ 84,812.00	1-Jan	31-Dec			
Ptl. Steven Browns	\$ 84,812.00	1-Jan	31-Dec			
Ptl. Anthony Sillett	\$ 84,812.00	1-Jan	31-Dec			
Ptl. Joseph Mathews	\$ 49,500.00	1-Jan	31-Sept	\$ 55,000.00	1-Oct	31-Dec
Ptl. Michael Camerata	\$ 30,000.00	1-Jan	15-Oct.	\$ 44,000.00	16-Oct	31-Dec

BE IT FURTHER RESOLVED, that salaries are to be paid in accordance with Salary Ordinance 2011-16, which was adopted by the Mansfield Township Committee on July 13, 2011.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Acting Chief Financial Officer shall be hereby authorized to pay the foregoing salaries in accordance with Ordinance 2011-16 commencing July 13, 2011.

Mr. Clancy made a motion to approve the passage of Resolution 2013-56, which was seconded by Mrs. Kocher.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

**RESOLUTION # 2013-57
LIEN REDEMPTION**

**TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY**

WHEREAS, the Tax Collector of the Township of Mansfield has advised the Committee that the following property has been redeemed and the money due thereon paid to the Township of Mansfield Tax Collector;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 10th day of April 2013 that refund is to be made to the certificate holder as noted:

US Bank Cust For Empire Tax Fund
2 Liberty Place

50 South 16th Street
Philadelphia, PA. 19102

Block 703.02 Lot 16.02
Certificate # 2010-3
\$ 11,242.19

Mr. Watters made a motion to approve the passage of Resolution 2013-57, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

RESOLUTION # 2013-58
TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY
TO AUTHORIZE AND APPROVE THE ANNUAL SALARY FOR A TOWNSHIP EMPLOYEE

WHEREAS, Ordinance # 2012-06 established the salary for a certain employee of the Township of Mansfield, County of Warren,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Warren that the following named employee shall be compensated as follows per the August 29, 2012 Offer of Employment Agreement:

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u>
William Pandos	Acting Municipal Finance Officer	\$ 65,000.00 / Annual Salary Commencing 4/1/13

Mr. Watters made a motion to approve the passage of Resolution 2013-58, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski
Nays: None
Absent: None
Abstain: None

RESOLUTION 2013-59

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING
THE TOWNSHIP OF MANSFIELD EMPLOYEE HANDBOOK TO CLARIFY
THE POLICY REGARDING SMOKING OUTSIDE TOWNSHIP BUILDING
ENTRANCES**

WHEREAS, the Township Committee of the Township of Mansfield has determined that clarification is required with respect to the Township's policy regarding smoking outside of Township buildings

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey as follows:

The Township of Mansfield Employee Handbook is hereby amended and clarified, at Section 2 *Workplace Policies, No Smoking Policy*, to read as follows:

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breath clean air supersedes the rights of smokers. In accordance with the State law, the Township has adopted a smoke-free policy for all buildings. Township facilities shall be smoke-free, and no employee or visitor will be permitted to smoke anywhere inside Township buildings. Employees are permitted to smoke only outside of Township buildings and in such locations as not to allow the reentry of smoke into any building entrances. Furthermore, employees are prohibited from smoking within 30 feet of any entrance to the Township Municipal Building, as that building is regularly frequented by many members of the general public. Smoking inside vehicles owned by the Township, and near equipment that may be sensitive to smoke, is also prohibited. This policy shall be strictly enforced, and any employees found in violation will be subject to disciplinary action.

Mr. Watters made a motion to approve the passage of Resolution 2013-59, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

ORDINANCE:

First Reading:

ORDINANCE # 2013-06

AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE SALARIES AND WAGES FOR THE OFFICERS OF THE TOWNSHIP OF MANSFIELD.

BE IT ORDAINED, by the Township Committee of the Township of Mansfield, County of Warren, and State of New Jersey as follows:

The salary range per annum of rates of compensation for the following officers of the Township of Mansfield is determined to be as follows:

Sergeant	\$ 80,000.00	-	\$ 93,300.00
Lieutenant	\$ 93,000.00	-	\$ 98,494.00
EMT Stipend	\$ 1,000.00	-	\$ 1,200.00

Mr. Watters made a motion to approve the introduction of Ordinance 2013-06 and requested that the

public hearing be advertised for April 24, 2013 at 8pm, which was seconded by Mrs. Kocher.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

Second Reading:

**2013-05
CALENDAR YEAR 2013
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Township Committee of the Township of Mansfield in the County of Warren finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Township Committee hereby determines that a 1.5 % increase in the budget for said year, amounting to \$ 61,462.20 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Committee of the Township of Mansfield, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Township of Mansfield shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$143,411.77, and that the CY 2013 municipal budget for the Township of Mansfield be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Watters made a motion to approve the passage of Ordinance 2013-05 and requested that the results be advertised, which was seconded by Mr. Smith.

Ayes: Mr. Smith, Mr. Watters, Mr. Clancy, Mrs. Kocher, Mayor Tomaszewski

Nays: None

Absent: None

Abstain: None

COMMITTEE PERSON COMMENTS:

Mr. Watters asked if any information had been received about the CDL A license for the two people on DPW that do not have that endorsement, and if there was any more information on the NJ sprayer license that is required for the DPW to put down Round Up.

Mr. Smith stated that Mr. Sliker has the information for both the CDL A and also the sprayer license.

Mrs. Kocher stated that the trucks are still going down Clinton Ave and also Butler Park Road even though the state made the changes to the signage. Mrs. Kocher also brought up that there is a 45mph sign up going from Route 57 to Anderson Road which is going to cause an accident.

Mayor Tomaszewski stated that this is between the State and the County since the roads are not township roads.

Mrs. Kocher asked if she should speak to Recreation about the Township Committee renaming the park in honor of Hector A. Cafferata Jr.

Mayor Tomaszewski stated that Mrs. Kocher should let Recreation know that the Township Committee will be naming the park in honor of Hector A. Cafferata Jr.

Mayor Tomaszewski made a motion to adjourn 10:16pm, which was carried by all.